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Angela Krevey*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MIGUEL HERREROS TORREZ,
*on behalf of himself,
FLSA Collective Plaintiffs
and the Class,*

Case No: 1:20-cv-08285-JPO-GWG

Plaintiff,

v.

PIER 66 MARITIME INC.
d/b/a PIER 66 MARITIME BAR & GRILL
d/b/a PIER 66 MARITIME,
and ANGELA KREVEY,

Defendants.

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, Defendants Pier 66 Maritime, Inc., and Angela Krevey (together, “Defendants”), by and through their undersigned counsel, will move this Court before the Honorable J. Paul Oetken, on a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing Plaintiff’s Amended Complaint in its entirety, with prejudice, as the Amended Complaint fails to plead sufficient factual matter to state a claim under the Fair Labor Standards Act (“FLSA”) or New York Labor Law (“NYLL”) to comply with the pleading standard

for FLSA minimum wage and overtime claims as set forth in the *Lundy v. Catholic Health System of Long Island Inc.*, 711 F.3d 106 (2d Cir. 2013), or, in the alternative, for an order dismissing the Amended Complaint against Angela Krevey because Plaintiff fails to allege that she was Plaintiff's employer under the FLSA or the New York Labor Law. Defendants request that this Court decline supplemental jurisdiction over the remaining state law claims. Defendants also seek an order granting Defendants costs, fees, and disbursements together with such other and further relief as the Court deems just, proper, and equitable.

Dated: New York, New York
February 4, 2021

Respectfully submitted,

FOX ROTHSCHILD LLP

By: /s/ Bryn Goodman
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